

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COOPER LINDNER and KIM SMITH,)
individually and on behalf of all others)
similarly situated,) Case No. 17-CV-00935
Plaintiffs,)
v.)
ROTI RESTAURANTS, LLC, d/b/a Roti)
Modern Mediterranean and d/b/a Roti)
Mediterranean Grill, a Delaware limited)
liability company,)
Defendant.)

NOTICE OF REMOVAL

Defendant Roti Restaurants, LLC, d/b/a Roti Modern Mediterranean and d/b/a Roti Mediterranean Grill (“Roti”), through undersigned counsel, and pursuant to 15 U.S.C. § 1681 and 28 U.S.C. §§ 1331, 1441, and 1446, files its Notice of Removal of the action captioned as *Cooper Lindner and Kim Smith v. Roti Restaurants, LLC, d/b/a Roti Modern Mediterranean and d/b/a Roti Mediterranean Grill*, Case No. 2016-CH-16281, from the Circuit Court of Cook County, Illinois, County Department, Chancery Division, to the United States District Court for the Northern District of Illinois, Eastern Division. As grounds for removing this action, Roti states:

1. On or about December 16, 2016, Plaintiffs Cooper Lindner and Kim Smith (collectively, “Plaintiffs”) filed a Class Action Complaint (the “Complaint”) against Roti in the Circuit Court of Cook County, Illinois, County Department, Chancery Division. This action was assigned Case No. 2016-CH-16281. A true and accurate copy of the Complaint is attached

hereto as Exhibit A. Copies of all other pleadings, process, orders, and materials in the state court action are also included chronologically in Exhibit A.

2. Roti was served with a copy of the Complaint and Summons on January 4, 2017.

See Exhibit A.

3. Plaintiffs' Complaint alleges a single count – a willful violation of the Fair and Accurate Credit Transactions Act ("FACTA"), 15 U.S.C. § 1681, *et seq.* – based on Roti's alleged printing of the first six and last four digits of Plaintiffs' credit card numbers on their receipts.

4. Plaintiffs bring their Complaint on behalf of themselves and a proposed class of consumers, defined as follows:

All persons in the United States to whom Roti Restaurants, LLC, d/b/a Roti Modern Mediterranean and d/b/a Roti Mediterranean Grill provided an electronically printed receipt at the point of sale or transaction, in a transaction occurring on or after July 28, 2014, on which receipt was printed more than the last five (5) digits of the person's credit or debit card number.

See Complaint at ¶ 15.

5. Based upon the allegations of the Complaint and for the reasons discussed below, Roti timely removes this action pursuant to 28 U.S.C. § 1331 (federal question).

FEDERAL QUESTION JURISDICTION

6. District courts have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States. 28 U.S.C. § 1331.

7. Plaintiffs' sole cause of action is an alleged violation of the Fair and Accurate Credit Transactions Act ("FACTA"), 15 U.S.C. § 1681, *et seq.*

8. Although Roti strongly contests liability and does not believe Plaintiffs or putative Class Members are entitled to any relief whatsoever, federal question jurisdiction exists pursuant to 28 U.S.C. § 1331 because Plaintiffs' claims arise under federal law.

CONCLUSIONS

9. Because this Court may exercise original jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question), removal is proper pursuant to 28 U.S.C. § 1441(a).

10. Contemporaneously herewith, Roti provided Plaintiffs written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d).

11. Pursuant to the requirements of 28 U.S.C. § 1446(d), Roti files a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois, County Department, Chancery Division.

12. The Notice of Removal is timely filed under 28 U.S.C. § 1446(b) because Roti was served with the Complaint on January 4, 2017, and Roti is filing this Notice of Removal within thirty (30) days of service.

13. This Notice of Removal is filed in the District Court of the United States for the district and division in which the case is pending.

14. Roti's Corporate Disclosure Statement is attached hereto as Exhibit B.

15. Roti has given the undersigned attorneys authority to sign and file this Notice of Removal.

16. Because Roti is the only named defendant, it need not obtain the consent of any other party to effectuate removal of this case. *See* 28 U.S.C. § 1446(b)(2)(A).

WHEREFORE, Defendant Roti Restaurants, LLC, d/b/a Roti Modern Mediterranean and d/b/a Roti Mediterranean Grill respectfully requests that the action captioned as *Cooper Lindner*

and Kim Smith v. Roti Restaurants, LLC, d/b/a Roti Modern Mediterranean and d/b/a Roti Mediterranean Grill, Case No. 2016-CH-16281, pending in the Circuit Court of Cook County, Illinois, County Department, Chancery Division, be removed to this Court, and that this Court exercise jurisdiction over this action, and for such other relief as the Court may deem just and proper.

Respectfully submitted,

THOMPSON COBURN LLP

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Attorneys for Defendant Roti Restaurants, LLC

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2017, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system, and served via regular mail upon:

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Attorneys for Plaintiffs Cooper Lindner and Kim Smith

/s/ Christopher M. Hohn
